IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 30625 of 2005(U)

PETITIONERS:

1. **P.K.ARUN, S/O.P.V.SUGUNAN, AGED 23 YEARS, PUTHUPARAMBIL HOUSE, PARIYARAM KARA AND P.O., PUTHUPPALLY, KOTTAYAM.**

2. **P.E.KUNJAMMA, W/O.P.V.SUGUNAN, AGED 50 YEARS, PUTHUPARAMBIL HOUSE, PARIYARAM KARA AND P.O.PUTHUPPALLY, KOTTAYAM.**

3. **MAYA, D/O.P.V.SUGUNAN, AGED 22 YEARS, PUTHUPARAMBIL HOUSE, PARIYARAM KARA AND P.O.PUTHUPPALLY, KOTTAYAM.**

BY ADV. SRI.JAMES KURIAN
SRI.SANTHOSH MODAYIL

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.**

2. **THE ASSISTANT EXECUTIVE ENGINEER, WATER WORKS SUB DIVISION, KERALA WATER AUTHORITY,\ KOTTAYAM.**

3. **THE TAHSILDAR, TALUK OFFICE, KOTTAYAM.**

4. **SMT.OMANA, VADAPPARAMBIL HOUSE, KUMARAKOM.**

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.J.KRISHNA KUMAR, SC, KWA
BY GOVERNMENT PLEADER SRI.O.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.30625/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DEATH CERTIFICATE DT.3.3.05.

EXT.P2:- COPY OF THE FORWARDING LETTER DT.23.6.05.

EXT.P3:- COPY OF THE APPLICATION IN THE PRESCRIBED FORMAT.

EXT.P4:- COPY OF THE INTIMATION NO.B6-4180/05 BY THE 3RD RESPONDENT DT.7.6.05.

EXT.P5:- COPY OF THE MARRIAGE CERTIFICATE RECEIVED FROM THE SNDP YOGAM BRANCH NO.63 DT.20.3.05.

EXT.P6:- COPY OF THE JUDGMENT IN CRL.RP. 84/96 DT.21.3.01.

EXT.P7:- COPY OF THE VHSC CERTIFICATE OF THE 1ST PETITIONER PASSED DT.

EXT.P8:- COPY OF THE ARTICLE 95 OF THE KERALA FINANCIAL CODE.

EXT.P9:- COPY OF THE GOVERNMENT ORDER NO.359/RD DT.19.8.67.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.30625 OF 2005-U

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Dated this the 9th day of April, 2007.

JUDGMENT

The second petitioner is the widow and petitioners 1 and 3 are the children of late P.V.Sugunan who died on 21-2-2005 while employed in the Kerala Water Authority. First petitioner applied for appointment on compassionate ground. That application was returned for re-presentation along with appropriate heirship certificate from the Tahsildar. The 4th respondent moved the Tahsildar for grant of heirship certificate contending that she is also a widow of P.V.Sugunan. Accordingly, Tahsildar took the stand that the rival claims will have to be decided by the competent civil court.

2. Sri.V.Rajendran (Perumbavoor), learned counsel appearing for the 4th respondent submits, on instructions,

that he states on behalf of the 4th respondent that she does not stake any claim for appointment on compassionate ground, while her other claims may not be closed by this judgment.

Recording the afore-said submission, this writ petition is disposed of directing that the application of the first petitioner will be treated as duly made and the Tahsildar shall issue a certificate showing the petitioners as heirs and also showing the 4th respondent, in brackets, as an objector. The Water Authority will act on such certificate and grant compassionate appointment to the first petitioner, if the application is otherwise in order. It is clarified that this judgment shall not stand in the way of any right of the 4th respondent, to be worked out in accordance with law, as regards any other claim. Let the needful, following this judgment, be done within an outer limit of two months from the date of receipt of a copy of this judgment.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-